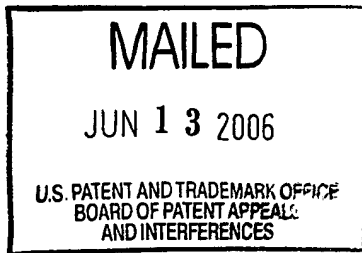


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN LEDERMAN

Application 10/067,515

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that an Order Returning Undocketed Appeal to Examiner was mailed on March 9, 2005, which noted that a possible new ground of rejection appeared in the Examiner's Answer mailed July 20, 2004. A copy of 37 CFR § 41.39 (which replaced 37 CFR § 1.193) was furnished. As noted on the page 5 of the previous Order:

The requirements for a new ground of rejection are:

- 1) Approval by a Technology Center Director or designee; and

2) Prominently identified, by a separate heading with all capital letters in the following sections of the Examiner's Answer:

Grounds of Rejection to be Reviewed on Appeal section, and
Grounds of Rejection section.


While the Examiner's Answer mailed January 27, 2006 properly identifies the "New Grounds of Rejection" by a separate heading, it fails to contain the approval by a Technology Center Director as noted in 1) above. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) to issue a revised Examiner's Answer which contains the approval of the Technology Center Director;
- 2) to have a copy of any subsequent Examiner's Answer scanned into the IFW;
- 3) for notification to appellant regarding the action taken; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

DMS:psb

Application 10/067,515

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